

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DISTRICT

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:16-CR-00272-RLW
)	
JOSEPH L. BRUGMANN)	
)	
Defendant.)	

GOVERNMENT'S RESPONSE TO DEFENDANT'S SENTENCING MEMORANDUM

COME NOW Carrie Costantin, Acting United States Attorney for the Eastern District of Missouri, and Gilbert C. Sison, Assistant United States Attorney for said District, and hereby files the instant response to the Defendant's Sentencing Memorandum. In support thereof, the Government states as follows:

The Defendant's advisory guideline range is 70 to 87 months. (Doc. 49, ¶ 73). In his Sentencing Memorandum, the Defendant is requesting a sentence of one day time served with an appropriate term of supervised release, which would represent a variance from his advisory guideline range.

The Government acknowledges that there are valid 3553 (a) factors that the Court should consider in imposing a just sentence. The Government furthermore does not dispute the facts underlying those factors as outlined in the Defendant's sentencing memorandum. For example, it appears that the Defendant's history and characteristics, specifically his role as the primary caregiver for his disabled wife, mother and brother, his years of service in law enforcement and

the lack of any criminal history save for the instant offense, arguably warrant a potential mitigation in the Defendant's favor.

That being said, the Government notes that the Court must also balance the Defendant's history and characteristics with "the nature and circumstance of the offense" and the need for the sentence to "reflect the seriousness of the offense." 18 U.S.C. § 3553 (a)(1) and (a)(2)(A). The Defendant intentionally sought out and possessed child pornography, thus contributing to the demand for such files. The continued demand for child pornography, in turn, promotes the market for the trade in such files, which inevitably results in the continuation of illegal activities designed to create more child pornography to satisfy the demand. And, the continuation of such activities obviously puts the most vulnerable members of society at risk, *i.e.*, minors. As the Court analyzes the 3553 (a) factors, the Government requests that the Court properly take into account the negative impact to society and to minors of the Defendant's crime in arriving at a just and reasonable sentence.

Dated: June 26, 2017.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2017, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following counsel of record:

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